

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 508

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, RELATING TO ORDERS, DECISIONS OR DETERMINATIONS APPLYING AND INTERPRETING THE CITY OF BURIEN BUILDINGS AND CONSTRUCTION CODE; AMENDING SECTION 15.05.120 OF THE BURIEN MUNICIPAL CODE, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Section 15.05.120 of the Burien Municipal Code provides for a right to appeal a decision of the Building Official relative to the interpretation of the City of Burien construction codes; and

WHEREAS, the foregoing section links such appeals to issuance of denial of a permit and does not provide for an appeal based upon issuance of an interpretation after a permit is issued; and

WHEREAS, the City Council of the City of Burien finds that it would be in the best interests of the City to amend Section 15.05.120 to establish and clarify the right to timely appeal an interpretation by the building official of a provision of the City of Burien Buildings and Construction Code made after issuance of a permit;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Amending Section 15.05.120 BMC (Appeals). Section 15.05.120(1) of the Burien Municipal Code is hereby amended to read as follows:

(1) Appeals of final orders, decisions, or determinations made by the building official relative to the application and interpretation of the city of Burien buildings and construction codes, may be appealed by the permit applicant, property owner or his/her agent to the hearing examiner, pursuant to Chapters 2.15 and 2.20 BMC, within 30 days of the issuance of the final order, decision or determination.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE
6TH DAY OF APRIL, 2009, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS
6TH DAY OF APRIL, 2009.

CITY OF BURIEN

/s/ Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

/s/ Monica Lusk, City Clerk

Approved as to form:

/s/ Christopher Bacha

Kenyon Disend, PLLC

City Attorney

Filed with the City Clerk: March 31, 2009

Passed by the City Council: April 6, 2009

Ordinance No. 508

Date of Publication: April 9, 2009